

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN D. PATRICK,

Defendant.

Case No. 11-CR-238

Milwaukee, Wisconsin

March 29, 2012

TRANSCRIPT OF SENTENCING

BEFORE THE **HONORABLE RUDOLPH T. RANDA,**
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

For the Plaintiff:

United States Attorney
By: **Mr. Joseph R. Wall**
Assistant U.S. Attorney
530, U.S. Courthouse
517 E. Wisconsin Ave.
Milwaukee, WI 53202

For the Defendant:

Law Offices of Jean M. Kies
By: **Mr. Lew A. Wasserman**
Attorney at Law
135 W. Wells St. #330
Milwaukee, WI 53203

REPORTED BY:

HEIDI J. TRAPP
Federal Official Court Reporter
310, U.S. Courthouse
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 297-3074

TRANSCRIPT OF PROCEEDINGS

THE CLERK: Case Number 11-CR-238, United States of America vs. Sean Patrick. Called for a sentencing hearing. May I have the appearances, please. First for the Government.

MR. WALL: Melvin Washington and Joseph Wall for the United States. Good afternoon, Your Honor.

THE COURT: Good afternoon.

MR. FETHERSTON: Good afternoon, Your Honor. Jim Fetherston for Probation.

THE COURT: Good afternoon.

MR. WASSERMAN: Your Honor, Mr. Sean Patrick with Attorney Lew Wasserman. Good afternoon.

THE COURT: Good afternoon.

MR. WASSERMAN: Also wish to point out to the Court that many members of Mr. Patrick's family are here as well.

THE COURT: All right. The case is here for sentencing, and the Court has read the presentence report, and the Court is prepared to proceed. The Court is also in receipt today of a letter from Sara Beth Lewis, who is an Assistant District Attorney. And the Court has read that letter. Having read the presentence report and having had that opportunity, I must inquire of you, Mr. Patrick, as to whether or not you've had the same opportunity. So I will ask you, have you had the opportunity to go over, review, and discuss this presentence report with your attorney, Mr. Wasserman?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you or Mr. Wasserman have any
3 objections to any of the factual statements in the presentence
4 report?

5 THE DEFENDANT: No.

6 THE COURT: Does the Government have any objections to
7 any of the statements in the presentence report?

8 MR. WALL: No, Your Honor.

9 THE COURT: Well, then the Court will proceed to
10 sentencing in the usual fashion, taking into account the range
11 of sentence established by those uncontested facts, which is
12 360 months to life. And the Court will integrate that range
13 into the factors under 3553, 18 United States Code, which the
14 Court is now directed to do. And look at, of course, the same
15 things that the guidelines look at, such as the nature and
16 circumstances of the offense -- in this case offenses -- the
17 history and characteristics of the Defendant, and then to reach
18 a decision or judgment not more than necessary to achieve the
19 same objectives. Such as to reflect the seriousness of the
20 offenses, promote respect for the law, create a just punishment,
21 provide adequate deterrence, and protect the public from further
22 crimes.

23 The Court will listen to the Government's
24 recommendation first, and then defense. And then, Mr. Patrick,
25 you get the last word relative to your right of allocution. You

1 get to talk last. Is the Government going to make a
2 recommendation here?

3 MR. WALL: Yes, Your Honor.

4 THE COURT: All right.

5 MR. WALL: Your Honor, in looking at the Statutory
6 factors under 18 U.S.C. 3553(a) and (C), we start out with the
7 nature and circumstances of the offense here. The offenses --
8 it's really just a continuing course of conduct as charged over
9 a period of about five years. The nature of the crime is the
10 sex trafficking of children. Two of the three individual
11 counts, Mr. Patrick was trafficking children through the use of
12 force, fraud, and coercion. Essentially violence, including
13 beatings, and other forms of punishment to keep them in line,
14 make sure they obeyed his rules, and most importantly, made a
15 lot of money for him. As I say, physical abuse and other
16 psychological abuse were a main part of that.

17 So when you start with that, you have some -- you have
18 a very, very serious consideration here under subsection one,
19 the nature and circumstances of the offense. There's conspiracy
20 to traffic in children for a period of four years here. He did,
21 Mr. Patrick -- through our investigation we determined that he
22 did target children. Count 2 involves -- actually all three
23 counts, each young lady was 16 years old when Sean Patrick
24 brought them into his stable and then groomed them to become
25 prostitutes for him. Among other things, the child victim in

1 Count 2 talked about the number of days she would work, the
2 hours she would work, the abuse she suffered at the hands of Mr.
3 Patrick as a part of his business plan. Choking, striking,
4 hitting. Requiring her to have sex with his friends as a
5 punishment for missing the bus to Chicago. Among other things.

6 The second child victim in Count 3, again, 16 years
7 old when she met Sean Patrick and he recruited her and groomed
8 her to be a child prostitute. One of the things she says is
9 that he promised me a dream, and she bought it. And she also
10 talks about the amount of work she did. The traveling to
11 Chicago six days a week, and then down to five or so days a
12 week. The physical abuse she suffered at the hands of Sean
13 Patrick. Numerous, numerous occasions of being struck by him
14 with his fists, objects, choking her. Making her lie on the
15 ground on her stomach and stomping her on the back.

16 And the third child victim here, again, another 16
17 year old child. Prostituted for him about three years. The
18 first child prostituted for approximately five years. Talked
19 about how he had her prostituting while she was pretty much
20 eight months or longer pregnant with his child. Second child,
21 three-and-a-half years of this type of abuse.

22 So as I say, it's hard to find a more serious type of
23 crime in the Federal Statutes, outside of some of the child
24 abuse Statutes, of course. And murder, things of that nature.
25 But this is really very, very high up there in terms of its

1 seriousness. That very first consideration for the Court, the
2 nature and circumstances of the offense.

3 The Court also has to look at the history and
4 characteristics of the Defendant. That is pretty much the
5 Defendant's background. This Court has often talked about
6 individuals who are prosocial and make contributions to the
7 community. Worked. Paid their taxes. Supported their
8 children. Raised their children successfully. Many, many other
9 things pointing to prosocial background. And, unfortunately,
10 when we look at Sean Patrick, we don't see any -- anything like
11 that. It's an antisocial background. Really from the age of
12 11. We start talking about age 11, convicted of -- in
13 Children's Court, theft from person. Age 14, stolen car.
14 Eluding Police Officers. Age 14, stolen car, party to a crime.
15 Recklessly endangering safety. Sent to the Wales School For
16 Boys for a year. Extended for a second year because of
17 behavioral issues. That particular offense involved a high
18 speed chase. He was behind the wheel. Lights and sirens on the
19 Police cars. And the Defendant admitted that he intentionally
20 rammed his car into the Police car.

21 Shortly thereafter, at the age of 16, another stolen
22 car case. Back to Wales for another year. He's out at the age
23 of 18. He's convicted of endangering safety by reckless use of
24 a weapon. If you look at the facts, it's a little scary. He
25 was seen chasing somebody. Had a pistol, and he fired two shots

1 at this fellow. He's convicted of that.

2 A year later, age 19, he's convicted of second degree
3 recklessly endangering safety. He was shot at first, for some
4 reason. Then he admitted to firing some shots into a house.
5 Convicted of that.

6 Age 20, criminal damage to property. Criminal
7 trespass to a dwelling. Obstruction of an Officer. Underlying
8 facts, he forced entry into a woman's house, grabbed her,
9 slapped her around, dragged her into a bedroom where they had a
10 violent encounter. This is age 20. Convicted of those
11 offenses. For some reason we have six operating after
12 revocations in a row.

13 And so we get him to the age of 23, 1998, when he --
14 again resisting, obstructing an Officer. Traffic stop. He gets
15 out of the car. He runs away from the Police. They catch him.
16 A year later he's 24, he's convicted of resisting, obstructing
17 an Officer, bail jumping. Again, this underlying complaint was
18 that of a battery. Then we have the three -- three more
19 operating after revocations.

20 And we have a second degree reckless homicide for
21 which he was convicted in State Court just less than two years
22 ago. May of 2010. Second degree reckless homicide, use of a
23 dangerous weapon at 23rd and National Avenue. He shot a rival
24 pimp through the head.

25 I would note that in terms of his criminal history

1 category he comes out at a level six, but his total criminal
2 history points are 18. And as the Court knows, 13 or more
3 criminal history points put an individual at a level six. So
4 he's topped that.

5 Let's look at subsection (3) here of 3553(a). And I
6 always call these the goals of the sentence. That is, what is
7 the goal of this Court in imposing a particular sentence? And
8 the ones I look at here -- in this particular case here -- is
9 subsection (A). The sentence should show -- should reflect the
10 seriousness of the crime. Something I've talked about already.
11 Subsection (B) I think a very important one in this case. And
12 that is to afford adequate deterrence to criminal conduct. And
13 what I'm talking about here is general deterrence. For this
14 Court to send a message to other men who would get into this
15 business that there is a very high price to pay if you get into
16 the business of trafficking children in a sex trade. I think
17 that's really one of the primary needs or goals that should come
18 out of this sentencing hearing today from this Court.

19 Subsection (e) is very relevant, too, and that is to
20 protect the public from further crimes. The Defendant -- as I
21 said, the Defendant targeted children to bring into the sex
22 trade. I can tell this Court that in Milwaukee Sean Patrick was
23 considered to be pretty much the king of pimps, both by law
24 enforcement and by other men who are in the sex trafficking
25 business. Sean Patrick was looked at as being at the top of the

1 chain. I think it's also clear from the Indictment and other
2 sections of the presentence report, as I said, that he targeted
3 vulnerable children. Paragraph 54, by his own words, he said
4 that he did that. He targeted children who grew up
5 disadvantaged, poor, with no positive male role models. Those
6 were the ones that he was able to best manipulate.

7 Also in Paragraph 54 he said I sold them a dream of
8 living in mansions, riding in the best cars, and having jewelry.
9 And he went on to state that once he had them hooked, that's
10 when he then turned them into child prostitutes. And there's a
11 higher premium in the prostitution business, the sex trade
12 business, on -- the younger the prostitute, the more marketable,
13 the more that young prostitute can make for her particular pimp.
14 And again, that was his business plan, really.

15 This is what we have in front of us, Your Honor. You
16 have in front of you, obviously, the great responsibility. But
17 you have the very definition of a master manipulator, a predator
18 who targeted the poor, the lost, the confused, the vulnerable of
19 our children, and then guided them into what I have to consider
20 to be the dirtiest, most humiliating, most degrading, and most
21 destructive business that I can really think of, and that is the
22 child sex trade. And that is what he did.

23 Because of his cooperation in the State -- and you
24 have the letter. And because of that cooperation, we are moving
25 downward from the guidelines a bit. I'm asking the Court to

1 impose a sentence of 300 months. That is 25 years. No fine.
2 He should be ordered to pay his child support. I would note
3 that his child support obligation -- he has 12 children -- is
4 more than \$146,000 outstanding. So no fine. Of course the
5 special assessment is mandatory. And I believe that five years
6 of supervised release would be appropriate. Thank you, Your
7 Honor.

8 THE COURT: All right. Mr. Wasserman.

9 MR. WASSERMAN: Thank you, Your Honor. There is one
10 thing I didn't hear from Mr. Wall that I was anticipating
11 hearing. And because it's not up to me to put words in his
12 mouth, I would just ask if -- Mr. Wall, if you made the entirety
13 of the recommendation that at least I thought, and not just out
14 of my fantasizing that you were going to make -- made a
15 recommendation for --

16 MR. WALL: Oh, Your Honor, I'm sorry. Maybe it's
17 apparent. I'm asking for concurrent time here, not consecutive
18 time. I'm sorry, Mr. Wasserman. You're correct.

19 Your Honor, I should also state that Mr. Patrick sat
20 down with law enforcement. We did not have much time to sit
21 with him and talk, but we had about 45 minutes with him to talk
22 about some of the hows and ways of the pimping business. And I
23 can tell the Court that it was quite enlightening for those of
24 us who had the opportunity to sit with him. So I think those
25 two things should be added. And I apologize to Mr. Patrick for

1 not clarifying my recommendation. That should be 25 years
2 concurrent to the State sentence. Thank you. And, Lew, was
3 that the concern?

4 MR. WASSERMAN: Yes, that was my understanding.

5 MR. WALL: Okay.

6 THE COURT: All right. Go ahead, Mr. Wasserman.

7 MR. WASSERMAN: Thank you. Couple things I want to
8 clarify. If you look at Count 1, it certainly indicates that
9 Mr. Patrick knew, and that the Government could prove beyond a
10 reasonable doubt, and he ultimately agreed that the Government
11 could prove beyond a reasonable doubt in Count 1 that the
12 language is this: It says minor females who had not attained
13 the age of 18 years. There may be some that would say that the
14 difference between using the language minor female under 18, and
15 child -- for many there may not be a distinction. But in this
16 case I think it's very important to make that distinction.
17 Because I think the degree of -- the legal term we use,
18 culpability. But also in the real world I think the degree of
19 moral culpability changes radically in terms of the perception
20 that one would have if you use the term child trafficking. It
21 conveys a different meaning. It sounds like what pedophiles do
22 with 8 year olds or 9 year olds. That's not what we have here.
23 Again, I understand and recognize that apparently for
24 some there is no distinction. Apparently for Mr. Wall there is
25 no distinction. But it wasn't charged that way. Mr. Patrick

1 made it clear that that wasn't what he was doing or accepting
2 responsibility for. And I think that there is a radical
3 difference. The market that he describes by use of the word
4 child, is not the market -- since he talked about a business
5 model -- that Mr. Patrick was interested in, nor did he engage
6 in.

7 The amount actually of coercion, and the -- what
8 Mr. Wall referred to as the physical intimidation and abuse --
9 let me address that issue because that's important, too. You
10 can paint the picture, but I think it's inaccurate of this being
11 an operation where on any given moment, on any given day, and
12 probably every day, which is I think the picture the Government
13 is painting, that women -- some of them as young as 16 -- were
14 being brow beaten, tortured, coerced, beat.

15 Let's back up for just a moment. When you read the
16 Indictment, when you read the presentence report, you see that
17 out of 168 hours in a week, the vast, vast, overall majority of
18 those hours that -- the women and young women are under their
19 own care and under their own supervision. They are doing
20 clearly what he wants them to do, but they're not even in the
21 same city. The idea that he had this omniscience in terms of
22 being able to monitor their activities, and that they felt they
23 were being monitored, is I think a gross overstatement.

24 Now, the other side of the coin -- and this, I guess,
25 is true -- and you can glean this from the P.S.I., was that

1 there becomes a point where the women, the young women, are self
2 supervising. I do agree with Mr. Wall that Mr. Patrick was
3 effective in, if you will, not just motivating, but bringing out
4 in all of the women and young women their own hierarchical, if
5 you will, proclivities or motivations to continue to engage in
6 this activity, even when he's not around.

7 Brings me to another point, and that is something that
8 really isn't in the presentence report. It's not in the
9 Indictment. Mr. Wall mentioned Mr. Patrick had talked to him
10 for about 45 minutes. Actually, Your Honor, that -- what we in
11 the business called a debrief -- has occurred on actually
12 several occasions. The first of which occurred even before the
13 Indictment was issued. It occurred between the time of entry of
14 the plea and the sentencing in the State case, for which
15 Mr. Patrick is now serving a 20 year sentence. And it was very
16 informative. The very same prosecutorial unit that handled the
17 State Court case was present. It wasn't Sara Beth Lewis. It
18 was two other prosecutors. Head of the Homicide Unit, Mark
19 Williams, and another Assistant District Attorney, Kelly Hedge
20 (phonetic). Linda Stott, a Police Officer who, by the way, is
21 present here today. And I can tell you this. Mr. Patrick
22 provided information that was of a nature and quality that all
23 of those individuals involved in the criminal justice system had
24 not seen and not heard before. As a matter of fact -- and I
25 have conferred with Detective Stott -- although he may take a

1 circuitous route -- but information provided by Mr. Patrick may
2 allow Police to solve -- I guess I would call it the most
3 infamous kidnapping in Milwaukee history. A still unsolved
4 crime. But Mr. Patrick, not just because of what he knew, but
5 because of his perceptions involving that crime, it may --
6 there's still the possibility -- like I said, it may take a bit
7 of time -- that the information that he provided then will be
8 the only information that has ever lead to the solving of that
9 crime.

10 Just so it's clear, he was not involved, but knows the
11 people and was willing to discuss with prosecutors and Police
12 what he knew. He has done that again. His testimony in the
13 Mario Harris case -- everything Sara Beth Lewis says in that
14 letter is true, but I wish to add something to that. That is
15 that Mr. Harris wanted to take the defense in his case, his
16 child trafficking case, that he wasn't really a pimp. He was
17 just sort of a hanger-on. That it was some of his girls who
18 were really those that were responsible for all this
19 trafficking. And his attorney made that clear.

20 Mr. Harris's attorney made that clear, that that was going to be
21 the defense that Mr. Harris was doing present. And, in fact,
22 they did call witnesses and proffer that defense. The one
23 witness who probably was the most instrumental in debunking that
24 line of defense in Mr. Harris's case was Mr. Patrick. Because
25 he knew Mr. Harris. Mr. Patrick also knew that if Mr. Harris

1 was present, Mr. Harris was the pimp. It wasn't any of the
2 females. That was very compelling testimony. One never knows
3 when one goes in front of a jury what a jury is going to think.
4 But as you can see from the letter, Mr. Patrick in this
5 particular case was quite helpful.

6 There are other cases that he will potentially be just
7 as helpful as he is and was with regard to the case against
8 Mario Harris. Now, the question is, why would a jury, why would
9 Sara Beth Lewis find him so credible? Because Mr. Patrick is
10 really a man of uncommon intelligence, and has an almost
11 miraculous ability to distill down what seems on the surface to
12 be complicated information, to relatively simple answers.

13 Mr. Wall and I have talked, and I won't put words in
14 his mouth, but he and I have agreed that if Mr. Patrick had had
15 the opportunity to take another turn in his life, he'd still be
16 operating a business, but it probably would be one of those
17 businesses that we talk about when we talk about the small
18 businesses that are the heart of this community. He has the
19 intelligence. He has the skills. If he could have been in
20 charge of some type of small manufacturing company, for example,
21 I have no doubt that it would have been entirely successful. He
22 would have taken care of his employees, and he would not be in
23 the position that he's in today.

24 But I take a look at this presentence report.
25 Mr. Wall believes it demonstrates, if you will, an antisocial

1 personality disorder. I see it as being something entirely
2 different. When you look at a presentence report, and you see a
3 child of 11 years old come into contact with the criminal
4 justice system -- I think that was the first one. I want to
5 make sure that that's right. 11 years old. What's the
6 difference between Mr. Patrick at age 11, and one of the girls
7 that he trafficked when they were 16? What's the difference?
8 Do we really think that when Mr. Patrick was 11 years old that
9 he was operating on his own? A sole practitioner out there in
10 the world, doing what he was doing? He was doing it for someone
11 else, just as surely as the 16 year old girls, who Mr. Wall
12 mentioned, were doing it for him. That's where he learned. He
13 didn't read books or magazines about running the business that
14 he sits here convicted of running. It ran him for years. It
15 began when he was 11. He did exactly -- although it didn't
16 involve sex, he did exactly what older manipulative men in his
17 community demanded of him, and he did it to survive. Everything
18 he did was for the economic benefit of someone else. Not really
19 for his own. It was for his own survival that he engaged in
20 those activities. So from the age -- probably -- I -- my guess
21 would be that it started even younger than 11. That they
22 started grooming him when he was 11 years old. Why? Because
23 everyone around him saw he was a really smart kid, and he's got
24 a very engaging personality. And he's able to absorb
25 information around him, like I said, to distill it, and use it,

1 and make something of it.

2 And so he has his first encounter with Police when
3 he's 11. Probably could have occurred earlier, no doubt,
4 because like I said, he was -- he was groomed for it. But I do
5 disagree about the belief, I think, that the Government has,
6 that Mr. Patrick is an antisocial person. If you're simply
7 going to look at the crimes that were committed, you come to
8 that conclusion. But, you know, when you look at the Diagnostic
9 and Statistical Manual, Fifth Edition, Fourth Revised, there are
10 more criteria. He doesn't meet those criteria.

11 I take a look at Paragraph 56 of the presentence
12 report where he's asked about the impact that his behavior had.
13 When you first look at this paragraph -- when I first looked at
14 it, I wondered if it was clear to him. And then, no, he really
15 actually thought about this. And the presentence report also
16 told you -- let me just preface this by his comments -- that the
17 young women that were the victims in this scheme, they've more
18 or less made themselves unavailable. And so he says several of
19 the women have continued to prostitute since he was arrested.
20 And that's true. We all know that that's true. And so then he
21 says it was difficult from his perspective to explain the
22 impact, because they've continued without any further direction
23 or motivation from him. And it's actually insightful, because
24 what it told him, and what he's really trying to say here is
25 that, you know, Judge, I take a look at what I did, and I take a

1 look at the effect that it had. And it's difficult for me to
2 answer, because even without me, it continues. Was I really
3 that instrumental? Was I really, I suppose, that -- that
4 effective, I guess, in framing people's character? That even
5 after I'm out of the picture they continue?

6 And so at first blush I thought that this was sort of
7 a response from someone that didn't care. Then I realized it
8 was someone that -- it's not that he didn't care, it's that when
9 you really asked him to explain that, he found it difficult to.
10 And that's right. Because that shows that he thinks about
11 things. And he just doesn't pop off answers that the
12 presentence writer wants to hear or that he thinks the
13 presentence writer wants to hear.

14 He's a thoughtful person. He admits what he did was
15 legally and morally wrong. A person suffering from antisocial
16 personality disorder would not even bother to say that. He
17 acknowledges his way of life messed up his own life, and messed
18 up the lives of the women even more. Again, someone suffering
19 from an antisocial personality disorder, they wouldn't care. I
20 think it's part of the definition.

21 He told Mr. Fetherston that he thinks he does have
22 some mental health and emotional problems. I don't doubt that,
23 because he's never really had treatment for -- probably should
24 have had treatment when he was a child. But he never got it.
25 So I think it's, again, an observation on his part that is

1 contrary to any assessment that he's an antisocial personality.

2 He describes feeling like he's a failure. Not because
3 he got caught, but because he didn't use the skills that God
4 gave him, and the intelligence, in a productive manner. He
5 admits he had a choice to make in life. He made the wrong
6 choice. And he feels this is the last chance he has to be a
7 good person. To me the saddest part of this entire proceeding
8 is that he could have been a good person, and he could still be
9 a good person. He has it within him.

10 I also noted that he has obtained his H.S.E.D. during
11 previous incarceration. In Paragraph 155 he notes that he just
12 wants to do anything that is legal, productive, and will support
13 him. If given the chance, he'd like to work with
14 underprivileged youth to show them the mistakes he made and help
15 them avoid making similar choices. He notes at times in this
16 presentence report almost that he feels like two people. I
17 think that's important as well.

18 Judge, I remember -- Mr. Wall, Mr. Johnson weren't
19 here -- but I remember coming before you I think sometime back
20 in the early 1990's. And we had a gentleman who we all
21 thought -- and I remember you saying this, Judge -- was a tiger
22 that perhaps had changed his stripes. And that actually turned
23 out to not be the case, and he came back before you. I wasn't
24 there with him then. But he really hadn't. Because he didn't
25 have two personalities. That other gentleman really only had

1 one. We thought maybe he'd changed, but he hadn't. He didn't
2 have it within him. But Mr. Patrick does.

3 The two people that Mr. Patrick talks about and wants
4 you to know about, and I agree with him that this is relevant,
5 are the two people that bring him before you and brought him
6 before Judge Cimpl last year in the homicide with regard to
7 Joeren Mason.

8 And then there's the other side of him. The side
9 that -- he's 37 years old. So he's too old to be one of my
10 kids. But I see the same thing in him that I see in my kids,
11 some of whom are almost as old as he is. And I think to myself,
12 I have an 18 year old who's on his way to Lawrence University
13 Conservatory of Music for piano performance. He plays Chopin,
14 and Brahms, and Bach. And I think to myself, what if I had done
15 to that kid, what his community did to Sean Patrick? And I
16 never stopped doing it? What if my son, the one that's now on
17 his way to college, National Honor Society, what if I had done
18 to him throughout his life what had happened to Sean Patrick?
19 Would I expect anything different out of even my own son, than
20 what happened to Sean Patrick?

21 And the reason that I equate the two is that
22 internally I see much of the same. I see a high level of
23 intelligence. And despite everything that he's done, I see a
24 conscience. And when you have those two things, when you give a
25 man the means to live and live productively, then they turn out

1 like my 18 year old. When you don't give them that, then they
2 come here. Even though at their core they're not really that
3 much different.

4 I know Mr. Wall says we need to deter others. I'm
5 going to be very blunt and say I completely disagree. I do not
6 believe in general deterrence. I know that that's somewhat of a
7 radical position to take, but I don't. And the reason I don't
8 believe in general deterrence is that, Judge, you and I have
9 been in courtrooms together a long, long time. I've brought
10 Defendants before you. You've sentenced Defendants. This goes
11 back a long, long time. Yet we're still here. We're still
12 doing the same thing. Murders are still being committed, more
13 this year than last year, in the City of Milwaukee. The level
14 of crime is not really going down. I don't know that general
15 deterrence is really anymore a valid concern, only because the
16 conditions in this city -- I'm not going to speak of other
17 cities. We're not there. We're here. We're in the Eastern
18 District of Wisconsin -- are getting worse rather than getting
19 better.

20 The jobs available for young men are getting fewer.
21 Not more. The jobs that are available for young men are getting
22 to be -- it's all service industry, to put it kindly. The
23 manufacturing jobs are gone. The breweries are gone. There's
24 no more opportunity like there was, Judge, when you and I were
25 young. Where a young man could go over to North 3rd Street and

1 get picked up by Schlitz and work and earn a living. He could
2 live on 51st and Villard. His wife didn't have to work. They
3 only needed one car, if they had that. A man could have dignity
4 and honor with a job like that. Those are all gone.

5 What do we want of this man? What do we expect of
6 him? We, as a society, have given him nothing. And so -- I
7 understand his criminal record. I get all that. I do think,
8 though, that the criminal record in terms of the number of
9 points grossly overrepresents the seriousness of the criminal
10 history. I mean, really. Driving after revocation? Driving
11 offenses are the great bulk of his criminal history score. And
12 in all deference to the State's position, yeah, you know, I get
13 it. Because he does it again and again. But really. Driving
14 after revocation. Operating after revocation, two points.
15 Operating after revocation, two more points. I mean, one page,
16 Page 28, 6 criminal history points because he didn't have his
17 license. So I do think that criminal history category 6
18 overrepresents the seriousness of his history.

19 I have a different recommendation to make.
20 Mr. Patrick is, as I mentioned, 37 years old. As you know,
21 right now is serving a 20 year sentence for the homicide of
22 Joeren Mason. I'll just briefly address that. There's
23 something in the presentence report that -- about that case that
24 it's actually not -- wasn't there. They interviewed -- I want
25 to make sure I get the name right -- yeah. Tonisha King, who

1 was with Joeren Mason. What's not in this report --

2 THE COURT: What page is that?

3 MR. WASSERMAN: That's Page 33 and 34, Your Honor.

4 THE COURT: All right. Go ahead.

5 MR. WASSERMAN: What isn't in the report -- although
6 it was in Miss Tonisha King's report to the Police, but it's not
7 in the PSR -- both Mr. Wall and Mr. Fetherston actually have a
8 copy of that report. She told the Police that Mr. Mason was
9 running back to his car, indicating that he was going to go get
10 his piece. His thumper. And it was at that point that -- and
11 only at that point that Mr. Patrick fired at the car. He really
12 didn't fire at Mr. Mason. The fact that the State recommended
13 to Judge Cimpl that Mr. Patrick plead to second degree reckless
14 homicide I think supports that conclusion. Second degree
15 reckless homicide means that Mr. Patrick exhibited criminally
16 reckless conduct, but not conduct evincing a depraved state of
17 mind. It was reckless conduct.

18 But the other thing that isn't here is that there's a
19 commingling of these two cases. Mario Harris, who Mr. Patrick
20 testified against, just a couple weeks prior to the homicide of
21 Mr. Mason, attacked Mr. Patrick and beat him severely. And he
22 didn't just beat him, he mocked him, as you can only imagine
23 occurs on the streets when something like that happens. The
24 women who notified people on the north side, including
25 Mr. Patrick, that Mr. Joeren Mason was attempting to recruit

1 them, mistakenly believed that Mr. Mason was the man that had
2 beaten Mr. Patrick a couple of weeks prior.

3 Now, a terrible tragedy and a crime, the reckless
4 homicide. But it wasn't just something that happened for no
5 reason. It wasn't something that happened simply because
6 Mr. Patrick exhibited any type of animus toward Mr. Mason. The
7 only reason the homicide -- if Mr. Mason had not run back to his
8 van, and told Tonisha King, who told the Police, that he was
9 going to get his gun, both Mr. Mason would be alive today, and
10 Mr. Patrick wouldn't be serving this 20 year sentence.

11 The 20 year sentence -- nothing we do here today is
12 going to change that. However, I do believe that the Court is
13 entitled to know why I'm making a recommendation of 15 years
14 concurrent. And it is because of this. It's because of
15 everything I've already said. But Mr. Patrick's righting of the
16 wrongs that he knows of I think also help to right the wrongs
17 that he himself has committed. And I think every man is
18 entitled, unless given all the factors it just can't be done, to
19 an incentive, as minimal as it might be, to continue to do what
20 we want him to do from now on. From this day on. The purpose
21 of the criminal justice system, in my view, is to change
22 people's behavior. Yes, there are other considerations.
23 Punishment. Sending a message to him -- although I don't
24 believe in general deterrence. But we want him to change his
25 behavior.

1 When he debriefed on the very day that he pled guilty
2 to the Joeren Mason homicide, he began to walk down that road of
3 changing his behavior. And to make amends for all that he had
4 done. All of which predates the date that he pled guilty to the
5 Joeren Mason homicide. And obviously predates even the murder
6 of Joeren Mason, which goes back to May of 2010. Not last year,
7 but almost two years ago as we sit here today.

8 So I've worked with this man seated to my right now
9 for all that time. Since I became his attorney. And I want
10 this Court to know, because I think it's important, that he's
11 been probably in the last 25 years the most cooperative, polite,
12 and respectful client that I've had to deal with. He has
13 been -- and everyone that he's talked to, he's been a gentleman.
14 If Mr. Wall disagrees, let him say so. If Detective Stott
15 disagrees, let her say so. But I've been there and I've seen
16 it. He's been helpful, he's been cooperative, and he's been
17 very, very insightful. And he will continue to be.

18 I think this is the measure of his character. That if
19 you completely disregard what I'm requesting that you do, he'll
20 continue to be helpful. Because now that he's walked down that
21 path, I don't see him turning back. And by the path I mean the
22 path of being, as he told you in the presentence report, the
23 good person that he can be. The productive person that he can
24 be. And he's not just doing it for him. He's doing it for all
25 the people seated behind me as well. The members of his family.

1 And his children.

2 I know he owes a lot of child support but, you know,
3 he took care of those kids as best he could. He was there for
4 those kids. I think we sometimes get hung up on the money
5 aspect of it. I guarantee you, the mothers of those children
6 got lots of money. The State didn't get it, but they got it.
7 Did they get it under the table? Yes. Will he get credit for
8 it? No. Are they here today banging down the door to tell you
9 that Sean Patrick owes them money? No. Not at all. That won't
10 happen, because he took care of them.

11 So, Your Honor, I've probably talked too long, but
12 I've said what I've said because -- like I said, the man seated
13 to my right, given the opportunities that those of us sitting
14 here who are defending him, and prosecuting him, and judging
15 him, look at their own children, would have reaped the benefit
16 of that. And society would have reaped the benefit of that.
17 And after he's paid his penalty, he probably can. I think he
18 probably will.

19 And that's why I'm asking for a sentence -- now that
20 the Government has been gracious enough to indicate to you that
21 he has offered to the substantial assistance that allows you to
22 solely -- well, not solely. You have to consider it all,
23 obviously. But to look at the 3553 factors, and look at this
24 man. I really think that by age 50 he'll be the person that we
25 want him to be, and that you insist that he be. And that's why

1 I make that recommendation. Thank you.

2 THE COURT: All right. Now, Mr. Patrick, you have a
3 right to speak. Is there anything that you wish to say before
4 the Court passes sentence?

5 MR. WASSERMAN: He's asked me a question. If I could
6 just --

7 THE COURT: Sure. Go ahead.

8 (Whereupon a discussion was held off the record
9 between Mr. Wasserman and the Defendant.)

10 MR. WASSERMAN: Your Honor, he wants me to indicate to
11 you -- I think this is what he means -- that I've been hopefully
12 eloquent enough that he doesn't know what else to add to what
13 I've already said. I really have already said what he himself
14 would say, and he's content with what you've heard.

15 THE COURT: Well, Mr. Wasserman, you were as eloquent
16 as you always are, and -- however, I want to make sure that
17 Mr. Patrick by that is indicating that he does not wish to make
18 any -- say anything else?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. Well, as indicated the Court
21 has to take the range of sentence established by the guidelines,
22 which calls for a 360 month sentence on Counts 2 to 3, to life.
23 And the first count carries a 60 month sentence. The Court
24 integrates that into the factors under 3553 which, as the Court
25 has just indicated, have been discussed -- or not just

1 indicated, but as the record indicates have just been discussed
2 by the prosecutor and by Mr. Wasserman. And those factors are
3 the same things that the guidelines look at. The Court has
4 already stated them. The nature and circumstances of the
5 offense. In this case, offenses. The Court has to look at the
6 history and characteristics of the Defendant, then make a
7 disposition not more than necessary to achieve the objectives,
8 which are the same as the guidelines. And they've been
9 discussed by counsels also. To reflect the seriousness of the
10 offense, promote respect for the law, create a just punishment,
11 provide adequate deterrence, and protect the public from further
12 crimes, while taking into account the needs of the Defendant.

13 The Court starts its analysis, of course, the way the
14 Government started it out, the nature and circumstances of the
15 offense. In this case offenses. There are four counts. The
16 Court would take up Counts 2, 3, and 4 which are essentially the
17 same. They all involve underage girls who were put into
18 prostitution and beaten, coerced, sexually abused, and a variety
19 of other things. In fact, Count 4 when it was discovered that
20 that particular victim -- and I'll call her a victim -- was a
21 runaway, the girl was taken out of State, which might even be
22 characterized as a kidnapping. Outside of all of this activity
23 involving these -- inside all of this activity involving all of
24 these counts was credit card theft, pin numbers stealing, credit
25 card fraud. You've got a whole bunch of stuff mixed in with

1 these four counts. So they're very serious offenses. I'm not
2 going to go into a discussion again of what the seriousness is,
3 because Mr. Wall has covered that very adequately. Talking
4 about the destruction of the psyche. Talking about the missed
5 opportunities that has been argued by the defense that these
6 young ladies would have had, had they been taken on a different
7 path, had they not been encouraged. As the defense has also
8 argued, they've already taken. But some of them, as we all
9 know, are -- as the last count indicates, Count 4, runaways.
10 People who are looking for a better life. People who are
11 looking for something that's missing in their life, and then
12 they step into the ambit and realm of you, Mr. Patrick, and it
13 worsens. And you have admitted that to the presentence writer.
14 It's a very, very serious series of offenses that we have here.
15 We're at, as Mr. Wall has indicated, at the highest order.

16 Now, having said that, I look at the nature and
17 circumstances -- or the history and characteristics, I should
18 say, of the Defendant. That is, Mr. Patrick, everybody that
19 comes in front of me has a profile. Everybody's unique.
20 Everybody is an individual. Everybody has to be assessed given
21 their own background. And that's what the presentence report
22 has done. That's what Mr. Wasserman, your attorney, has
23 eloquently argued. And the Court takes all of that into account
24 and looks at the positives. It looks at the negatives.

25 When I look at your record, I have to agree with

1 Mr. Wall that there's nothing but negatives here. Now,
2 negatives that have been explained very well by -- or at least
3 an excellent attempt made by Mr. Wasserman, your attorney. And
4 I'm not going to go through all of that. You, by your own
5 admission -- we look at your family. You didn't have a father
6 in your life. And according to this presentence report, he was
7 in your life on and off up until about the age of 12, but it's
8 at the age of 11, as Mr. Wasserman has indicated, you came in
9 contact with the criminal justice system with the theft from
10 person. Jacking bicycles from other people. And then you went
11 into Ethan Allen, of course. And then operating vehicles
12 without owner's consent. And what the Court read in this
13 presentence report is that you were someone who minimized your
14 conduct, and efforts had to be made to make you appreciate the
15 wrongfulness of your conduct. That wasn't understood at the
16 time. Your stay at Ethan Allen also suggested that at one
17 point, because of all the disciplinary actions, and because you
18 had to be extended, you were categorized as an uncontrollable
19 young man.

20 Mr. Wasserman has indicated that's what the community
21 did to you, because there aren't jobs in the city. Of course,
22 this was -- this was back in '88, at the end of the Reagan
23 revolution. Employment was booming after the great recession of
24 1979, 1980, that was inherited by that administration. But
25 President Clinton took it on. So there were job opportunities.

1 Unemployment was at this point -- but I've been doing this for
2 as long as you've been living, almost. 37 years. You're going
3 to be 38 in December. So that changes -- or September, excuse
4 me. So that changes just a little bit the actual comparison.

5 But it's my belief, and it's based on experience, that
6 poverty doesn't cause crime. Crime causes poverty. You see a
7 grocery store in the neighborhood that's functioning, and then
8 you get somebody who busts the window and takes stuff out of it.
9 Pretty soon that grocery store is boarded up. People drive by
10 that, and they know exactly what happened there. This is an
11 unsafe neighborhood. I'm not going to start a business here.
12 And so that is kind of like James Q. Wilson, who died. You
13 don't know who he is, but he had the broken window theory. And
14 that's been a much discussed theory in criminal justice. And
15 it's little things like that, as he posited, that start this
16 snowball effect. Starts rolling and soon things start looking
17 pretty bad. The neighborhood starts to decay.

18 I noticed that you were living on 6th and Locust, a
19 block from the Fifth District -- or two blocks from the Fifth
20 District, I believe. Approximately. When I was growing up, I
21 used to go to Borchert Field there. Used to have a baseball
22 diamond there. I used to walk those streets. So I was a
23 product of those streets, you know. And you indicate to the
24 presentence writer I was a product of the streets. I walked the
25 same streets. Went to the baseball games on Sunday afternoon

1 when the Milwaukee Brewers of the American Association were
2 there. Of course, that field is torn down. It was on Chambers
3 there. Which is, you know, two blocks from Locust. There's
4 Hadley, and then there's Chambers.

5 And so we've got the juvenile justice system which is
6 attempting to straighten you out. And you get out, and as
7 Mr. Wall has said, back to stealing cars. Hooking up with the
8 Black Gangster Disciples. Taking a little marijuana. And then
9 ultimately getting into a marijuana habit which, according to
10 the stuff you gave to the presentence writer, resulted in about
11 10 to 15 blunts a day, which was cutting into your profits.
12 Because you said I was only making about four grand a month. I
13 was using about a thousand of that, spending it on that alone.
14 I don't know how much money is left over to take care of 12
15 kids. And I'll get to that later.

16 But this whole record -- even though the OAR's are
17 constant and consistent and are -- as characterized by your
18 attorney, not significant crimes -- they're very significant
19 crimes. It shows that you're thumbing your nose at the law.
20 And it's been my experience, too, that if you can't obey the
21 small things, you're not going to be obeying the large things.
22 If you can't tell the truth in small things, you're not going to
23 tell the truth in large things. It just works out that way.
24 It's like being a little bit pregnant, right? You can't be a
25 little bit pregnant. Either you're a liar, or you're not a

1 liar. Either you're a law violator, or you're not a law
2 violator. Either you obey the law, or you don't obey the law.
3 Regardless of what the law is. And that's what your record
4 suggests. So when I do this analysis, it's nothing but a huge
5 negative here.

6 And, you know, you pick up the possession of
7 controlled substances when you're 33, 35. But this is about the
8 time that you, according to this presentence report, start doing
9 what you're in this courtroom for. And that runs for about 9
10 years. Almost a decade. Probably before that, because it looks
11 like -- some of these offenses suggest to me that you were
12 getting your feet wet in this area. And you said you went into
13 it because you saw movies and you saw the glamorous life of the
14 pimps. You always wanted to be rich. And, therefore -- that's
15 the lifestyle that you took.

16 Well, that resulted ultimately, of course, in two
17 years ago -- or approximately two years ago shooting Mr. Mason.
18 Second degree recklessly endangering safety. I was on the State
19 bench for 17 years. I know what that is about. It's a matter
20 of proof. But according to the witness, he's sitting in the
21 car. The first shot shatters the window. The next one goes
22 into the right side of his brain. Travels at a leftward angle
23 down and lodges in the left part of his brain. So that's a
24 shooting downwards. That's the angle of the bullet. When I
25 take those facts, that's not recklessly endangering -- reckless

1 homicide. Second degree reckless homicide. That's first degree
2 homicide. And then you call up Miss Boucher (phonetic), I think
3 was her name, from -- a name out of the past. You're in big
4 doo-doo now because you're going down. You got witnesses.
5 Everybody has got witnesses. You lost control of your temper,
6 just like you did when you started beating up these women in
7 your stable, right? You got pissed off. That son of a bitch,
8 Mason, is taking my girls. And you went over there and you
9 executed him. And you made a big mistake.

10 So what do you do? You call up Mrs. Boucher, who was
11 an advisor over at Ethan Allen, and started crying to her.
12 Saying someone thinks I shot somebody. That's what's in the
13 presentence report, anyway. I mean, there's not even an
14 admission that you shot this guy. You tell Miss Boucher, you've
15 got to help me. I wish -- and this ties in with what
16 Mr. Wasserman, your attorney said. You said you know, I wish I
17 had listened to you when I was at Ethan Allen. Because you said
18 that I could make something of myself.

19 Now, that leads me to the discussion of what the
20 community did to you. Because Mr. Wasserman has made the
21 argument that the community did this to you. That can't be
22 accepted, because when you were 16, at Ethan Allen, this woman
23 was telling you, you've got to change your ways. We're doing
24 everything we can to help you do that. And you yourself said
25 you know, I grew up -- my Mom did everything for me. She tried

1 to do what was right by me. We always had a warm bed to sleep
2 in. We always had food. Most of the Defendants that come into
3 this courtroom say Judge, I was abused as a child. My Dad
4 whipped me with an electrical cord whenever I got out of line.
5 And he was a raging alcoholic. Or my mother did that to me, and
6 so I've got this warped psyche. But the criminal justice system
7 stepped in early. And maybe the criminal justice system -- it's
8 been my belief that early punishment is probably best. It
9 stepped in.

10 And as Mr. Wall has indicated, you had that
11 endangering safety by conduct regardless of life when you shot
12 twice at a person running down the street. And then a couple
13 years later, maybe even less -- I think it was probably the same
14 year -- second degree recklessly endangering safety where you
15 pumped some rounds into an occupied building. And what did the
16 criminal justice system do? A stayed sentence. Now, at that
17 point maybe the point should have been made, Mr. Patrick, Sean,
18 you've been screwing up for the first 19 years of your life.
19 It's time you learned a lesson. It's time you went to prison.
20 But that wasn't done. And so we have this pattern that you got
21 very comfortable with.

22 You have no employment record. You admit to the
23 presentence writer women have taken care of you your whole life.
24 You had those three places that you worked at, but for short
25 periods of time. You were a member of the Black Gangster

1 Disciples for awhile. You've got five other arrests besides all
2 these numerous other arrests. And some of those were for
3 battery. And some of these cases that I've got relative to
4 actual crimes, like the criminal damage to property, and
5 criminal trespass to property -- and the obstructing an Officer
6 involved the slapping of a women around, as Mr. Wall has
7 indicated.

8 So I'm looking for the positives here. I'm looking
9 for the positives here. Because I've got to weigh the
10 positives, and I've got to weigh the negatives. I can't see
11 any. And you've got 12 kids. Mr. Wasserman says well, you
12 know, he's really with those kids a lot. Well, those 12 kids
13 are going to not have a father, and don't have a father, just
14 like you didn't have a father. Twelve kids by 10 different
15 women. I mean, my God, how can you even satisfy 10 different
16 women? I can't even satisfy my wife. And I've got to pay
17 constant attention to her so that we have a reasonable
18 relationship. That's not a family.

19 That's another thing that causes crime. It's the
20 destruction of the family. All the sociologists say that. You
21 know, the way to succeed in this society is to go to high
22 school, get a degree, work at McDonald's for just a year. Just
23 show up on time. Build an employment record. Got an H.S.E.D.,
24 and you become a valued employee as far as some employer goes,
25 because employers do the same thing that Judges do. They ask

1 how is this guy going to behave in the future?

2 Now, Mr. Wasserman has made an eloquent argument that,
3 Judge, he's changed. And you've indicated that in the
4 presentence report. But the best way to determine how someone
5 behaves in the future is how they behaved in the past.
6 Employers use that standard. They call the prior employer.
7 What kind of a guy was this? Well, he showed up late for work.
8 And then when he was here, he didn't really do a lot. And then
9 after payday he didn't show up. Probably spent his paycheck
10 over at the local bar. Or maybe went to the local crack house,
11 or did something like that. A guy's not going to hire him.

12 Or the guy who rents a property. Calls the prior
13 landlord. What did he do? Well, he was late on his payments.
14 He didn't pay his rent. In fact, his cousin came over when he
15 left, and they took all the copper out of the place. Sold it at
16 the junk dealer. He's not going to get a place to rent.

17 And so now the Judge says how is this guy going to
18 behave in the future? Well, Judge, look at what he did in the
19 past. Yeah, but Judge he cooperated. I've got a letter here
20 from Sara beth Lewis in a State case. And the Government here
21 has indicated that, you know, he's given us some information.
22 But it's not a 5K1 motion. I can't -- I can't act on that at
23 this point. There's no way I can act on that.

24 MR. WALL: Your Honor, it is a 5K1 motion.

25 THE COURT: I didn't receive one.

1 MR. WALL: I meant it to be an oral 5K1 motion by my
2 recommendation of 25 years.

3 THE COURT: Well, then the Court has to consider the
4 5K1 motion to determine whether or not the Court should grant
5 it, right? And there are certain factors, and I'll place those
6 on the record now, as to whether or not the Court should grant
7 the 5K1 motion. The 5K1 motion is determined by whether or not
8 the information was relevant, timely. Whether or not it's --
9 the degree of weight placed on it by the Government. The
10 Government has placed a large weight on it. The Court doesn't
11 have to consider all the factors as being met, because they're
12 not exclusive. The Court finds that there are enough -- enough
13 have been met to grant the motion, so the Court is going to
14 grant the motion.

15 Now, the Court is going to consider its sentencing in
16 that light and in that regard. I was going to sentence you to
17 life in prison, Mr. Patrick, because you have ruined the lives,
18 for the rest of their lives, of a lot of people that you came
19 into contact with. Especially these young ladies.
20 Mr. Wasserman has made the argument that these young ladies were
21 Hell bent to become prostitutes in any event. But that is not
22 the case always. Responsible adults step in and they say young
23 lady, you don't want to do this. You certainly don't do
24 anything to encourage it. And it's by your own admission, you
25 made their lives worse. But because of your cooperation I'm

1 going to sentence you to 360 months. I'm going to run that
2 consecutive to the sentence you're serving for the second degree
3 reckless homicide. And then I'm going to place you on
4 supervised release for a period of 5 years, all to run
5 concurrent.

6 So it's 60 as to Count 1; 360 as to Count 2, 3, and 4.
7 All run concurrent, but consecutive to Court Case 10-CF-002423.
8 The special assessment is \$100 on each count, total of 400,
9 payable in Room 362 of the Clerk of Court's Office.

10 Report to the Probation Office -- well, that's 3 years
11 as to Count 1 relative to the supervised release. That has to
12 be the maximum on that. Report to the Probation Office in the
13 District in which you're released within 72 hours of release.
14 You can't possess any firearms or dangerous weapons. Not
15 possess any controlled substances illegally. Participate in a
16 program of testing to include not more than 6 urinalyses tests
17 per month. Residential or outpatient treatment for drug or
18 alcohol abuse. Provide any and all financial information to the
19 Probation Office as requested.

20 File any and all income tax returns in a timely
21 manner. That has never been done. The Court has not commented
22 on that, but that's a negative also. In other words, you've
23 been freeloading off of our society, Mr. Patrick, your whole
24 life. You've contributed nothing to this society as an
25 American. You know -- I mean, when you're an American, you're a

1 special person. We're unique in the world. You know, America
2 only makes up four-and-a-half to five percent of the world's
3 population, yet everybody wants to come in here. And it's
4 because it's a free society, with a great criminal justice
5 system, and a system of justice that allows people to operate in
6 freedom. Keep the fruits of their labor and always get due
7 process of law. People should get up in the morning and say
8 what can I do to make this society better? Not get up and say
9 how can I make this society worse. And at minimal, at minimum,
10 contribute in some way, shape, or form to your very existence as
11 an American.

12 And so when I see here that you haven't paid taxes,
13 you're freeloading off the rest of us. That's a huge negative.
14 And, you know, your 12 kids? Ultimately the American taxpayer
15 is going to be paying a lot of their support, if not right now.
16 Think about that. So not only are you violating the law, but in
17 your face. In your face, America. You're not doing anything to
18 support it.

19 Register with the State and local authorities as a
20 convicted sex offender. You cannot have any contact with
21 children under the age of 18 unless approved in advance in
22 writing by your supervising Probation Officer, and only in the
23 physical presence of a responsible adult who has been advised by
24 your history, criminal history, of inappropriate contact with
25 minors. And shall report within 8 hours to the Probation Office

1 any unauthorized contact with children. Now, that does not
2 extend to your own children.

3 Participate in a program of sex offender mental health
4 assessment and treatment. Now, I'm using this as a condition of
5 supervised release because Mr. Wasserman has made the
6 argument -- and he did in his usual, eloquent fashion -- that,
7 you know, there's a distinction here between these people that
8 were involved in your organization, what we term a child. And
9 of course the Court knows the difference between an 8 year old
10 and a 16 year old. 8 year old hasn't reached puberty. But when
11 you're 16, you don't know what's going on. And if you're a
12 vulnerable person, like a runaway, you particularly don't know
13 what's going on, and you've got all these concepts.

14 Mr. Wall has made this comment about you saying that
15 -- this comment about the victim's statement that he was going
16 to allow me to live my dreams. Well, that's what 16 year olds
17 think. They think that by dreaming they can achieve something
18 out of thin air. It's hard work. Takes discipline. Takes
19 right behavior. And all of that has to be inculcated into them.

20 You know, the brains of the human being doesn't stop
21 growing until 25. That's why rental car companies don't rent to
22 people who are 25 years or younger. You say come on, Judge.
23 No, they don't rent to people under 25. Why? Because they know
24 from all the analyses that they've done that it's unprofitable
25 because someone who's got a 25 year old brain or younger has not

1 had his judgment developed to the full extent. He's not mature.
2 Or she isn't mature. And you go 9 years down the road to a
3 16-year old, you tell me what kind of brain development, what
4 kind of judgment those people exercise. Very little. And
5 that's why I'm imposing this as a condition of supervised
6 release. Mental health treatment for that. Maybe further
7 information will be shared by those people, as the Court has
8 shared with you today. But as approved by the supervising
9 Probation Officer until released from the program by the
10 supervising Probation Officer. This assessment may include a
11 polygraph to assist in planning and case monitoring. Any
12 refusal to submit to such an assessment or test is a violation
13 of the conditions of this supervised release. Pay the costs of
14 the program. Waive all rights to confidentiality regarding sex
15 offender mental health treatment in order to allow release of
16 information to the supervising Probation Officer, and to
17 authorize open communication between you and the supervising
18 Probation Officer, and the treatment provider. And register, as
19 the Court has indicated, with State and local authorities as a
20 convicted sex offender.

21 The Court has already imposed the mandatory special
22 assessment pursuant to the mandatory Victim Restitution Act of
23 1996. The Court will, if there's any credit that has been
24 accumulated in Federal custody on this offense, that it be
25 credited by the Bureau of Prisons. That will be calculated by

1 the Bureau of Prisons.

2 And the Court having rendered its disposition, is
3 there any question as to the Court's disposition from the
4 Government?

5 MR. WALL: Yes, Your Honor. Just one thing for my
6 Appellate record. The Court does understand, as Mr. Wasserman
7 pointed out, that my recommendation was 25 years imprisonment
8 concurrent to the State sentence.

9 THE COURT: I know what the recommendation of the
10 Government was. But it's clear that the Court does not have to
11 accept the recommendation of the Government.

12 MR. WALL: Thank you, Your Honor.

13 THE COURT: And the Court has not accepted the
14 recommendation of the Government. Any questions, Mr. Wasserman?

15 MR. WASSERMAN: Well, only with regard to the
16 conditions of supervised release, now that Mr. Wall has
17 clarified the issue of consecutive and concurrent. If my math
18 is right, these conditions all kick in when he's 87 years old.
19 That's a lot of conditions for someone that old. Perhaps --

20 THE COURT: Well, the Probation Officer has discretion
21 to alter those conditions, as the Court has stated, if indeed
22 and in fact the conditions don't apply.

23 MR. WASSERMAN: All right.

24 THE COURT: The Clerk has asked me about child support
25 payments as a condition of supervised release. The Court is not

1 going to make that recommendation as far as supervised release
2 goes. The Court doesn't have any confidence that any of that
3 will ever be paid, anyway. The Court will inquire as to whether
4 or not there are any other questions, Mr. Wasserman?

5 MR. WASSERMAN: No.

6 THE COURT: Mr. Patrick, do you have any questions
7 about what the Court did here today?

8 MR. WASSERMAN: I'm sorry. Mr. Patrick was talking to
9 me.

10 THE COURT: Okay.

11 MR. WALL: Notice of Appeal? I'm not sure --

12 THE COURT: I haven't got to that point yet, Mr. Wall.
13 I'm asking Mr. Patrick if he has any questions about the Court's
14 disposition.

15 THE DEFENDANT: No.

16 THE COURT: Then I have to advise you of your appeal
17 rights. You have 14 days to appeal this case. If you can't
18 afford an appeal, a notice will be filed on your behalf by the
19 Clerk of Courts. And Mr. Wasserman, you will file a Notice of
20 Appeal if Mr. Patrick decides to do that?

21 MR. WASSERMAN: I will file the Notice of Appeal. I
22 do have a question, though, about a recommendation. Mr. Patrick
23 would like to be as close to this area as the Court deems
24 appropriate.

25 THE COURT: All right. The Court will make that

1 recommendation. Anything else?

2 MR. WALL: No, Your Honor. Thank you.

3 THE COURT: The Court will stand in recess until the
4 next case.

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WISCONSIN
3

4 I, HEIDI J. TRAPP, Official Court Reporter for the
5 United States District Court, Eastern District of Wisconsin, do
6 hereby certify that I reported the foregoing Transcript of
7 Proceedings; that the same is true and correct as reflected by
8 my original machine shorthand notes taken at said time and place
9 before the Hon. Rudolph T. Randa.
10

11
12

Official Court Reporter
United States District Court
13

14 Dated at Milwaukee, Wisconsin,
15 this 29th day of April, 2012.
16
17
18
19
20
21
22
23
24
25